

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW DIVISION

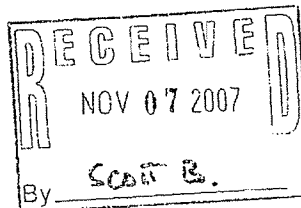
IRENE HERNANDEZ,
 Special Administrator of the Estate of
 IGNACIO G. OCHOA, deceased,

Plaintiffs,

v.

CITY OF OAK FOREST, ILLINOIS and
 AS YET UNNAMED DEFENDANTS,

Defendants.



No.

COMPLAINT AT LAW

Plaintiff, Irene Hernandez, Special Administrator of the Estate of Ignacio G. Ochoa, deceased, by and through his attorney, David A. Cerda, for their complaint against the City of Oak Forest, Illinois and as yet unnamed defendants, states:

COUNT I - WRONGFUL DEATH

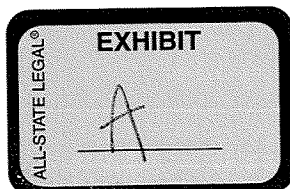
Plaintiff, Irene Hernandez, Special Administrator of the Estate of Ignacio G. Ochoa, deceased, states:

1. Irene Hernandez is the duly appointed Special Administrator of the Estate of Ignacio G. Ochoa, deceased. The City of Oak Forest, Illinois is an Illinois municipality. As yet unknown defendants are police officers and/or lockup keepers who were employees or agents of the City of Oak Forest and acted under color of law at all pertinent times herein.

2. The plaintiff's decedent Ignacio G. Ochoa was a resident of the Oak Forest, Illinois and was born on September 22, 1952.

3. On September 7, 2006, Ignacio G. Ochoa and his son Miguel Ochoa were arrested by City of Oak Forest, Illinois police officers and taken to the Oak Forest Police Station.

4. At the time, Ignacio G. Ochoa was suffering from a heart condition and undergone heart surgery. While in custody at the Oak Forest Police Station, he informed police and/or lockup



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keepers that he was suffering chest pains and requested medial attention. He also showed to police personnel and/or lockup keepers documents from his wallet which showed that he had a heart condition.

5. At said place and time, police personnel and/or lockup keepers asked Miguel Ochoa whether his father's heart condition was serious. Miguel said that it was.

6. At said place and time, paramedics for the City of Oak Forest were housed and working in the same building as the Oak Forest Police Station.

7. Despite the fact that Ignacio G. Ochoa requested medical attention for his heart condition, provided documentation of his medical condition, and his son attested to his medical condition, and medical personnel were nearby, City of Oak Forest police personnel and/or lockup keepers did not call for medical assistance while Ignacio G. Ochoa complained of chest pains.

9. Thereafter, Ignacio G. Ochoa suffered a heart attack in police custody and died on September 11, 2006, as a direct and proximate result of the willful and wanton disregard of his request for medical attention.

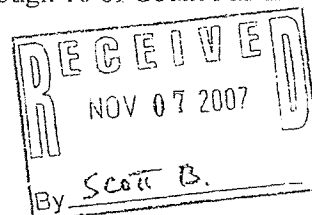
10. Ignacio G. Ochoa is survived by Irene Hernandez, his daughter, Miguel Ochoa, his son, and Jennifer Ochoa, his daughter.

WHEREFORE, plaintiff Irene Hernandez, Special Administrator of the Ignacio G. Ochoa, deceased, prays for judgment in her favor in an amount in excess of the jurisdictional limits of the Law Division of this Court.

COUNT II - SURVIVAL

Plaintiff, Irene Hernandez, Special Administrator of the Estate of Ignacio G. Ochoa, deceased, states:

11. Plaintiff repeats and realleges paragraphs 1 through 10 of Count I as though set forth verbatim herein.



12. As a direct and proximate result of one or more of the foregoing willful and wanton acts or omissions of the defendants, Ignacio G. Ochoa was subjected to and endured horrible and agonizing pain, suffering and disability.

WHEREFORE, plaintiff Irene Hernandez, Special Administrator of the Estate of Ignacio G. Ochoa, deceased, prays for judgment in her favor in an amount in excess of the jurisdictional limits of the Law Division of this Court.

COUNT III – 42 U.S.C. § 1983

Plaintiff, Irene Hernandez, Special Administrator of the Estate of Ignacio Hernandez, deceased, states:

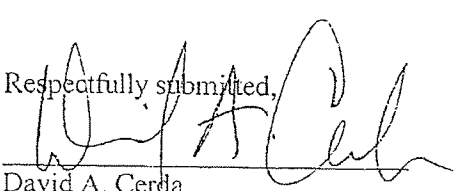
13. Plaintiff repeats and realleges paragraphs 1 through 10 of Count I as though set forth verbatim herein.

14. At all pertinent times herein, as yet unknown defendants were acting as employees and/or agents of the City of Oak Forest, Illinois and acted under color of law.

15. By being deliberately indifferent to Ignacio Ochoa's urgent need for medical attention, as yet known defendants violated his rights under the United States Constitution.

WHEREFORE, plaintiff Irene Hernandez, Special Administrator of the Estate of Ignacio G. Ochoa, deceased, prays for judgment in her favor, and for reasonable attorney's fees, costs, and expenses in bringing this lawsuit.

Respectfully submitted,


David A. Cerda

David A. Cerda
333 West Wacker Drive, Suite 500
Chicago, Illinois 60606
(312) 223-9890
E-mail: dcerda@cerdalaw.com

Attorney No. 34093

